

Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
May 5, 2021 - 5:00 p.m.

In Attendance were:

Gary Sorensen, Planning Commission, Chairman
Brad Wells, Planning Commission
Bobby Drake, Planning Commission
Ken Richens, Planning Commission
Connie Sweat, Planning Commission
Jenny Giles, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Kirk Barney	Barney-CUP
Lamar Long	Barney-CUP
Mike Thompson-Burdick Materials	

Chairman Sorensen opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission members had any ex-parte contacts or conflicts of interest associated with the agenda. There were none, so the meeting proceeded.

PUBLIC HEARINGS:

Mr. Hyde referred the Planning Commission to their packets and some site and aerial photos of the location and stated the applicant proposes to operate an automobile towing/roadside assistance/engine machining business from his home in the Roosevelt area. Commercial uses such as this are permitted in the A-2.5 zone as a conditional use.

A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

The requirement described above to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

The decision making criteria include the following:

A. The planning commission may grant a conditional use permit in compliance with this title if, from the application and the facts presented at the public hearing, it finds:

- 1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.**

Mr. Hyde stated while a tow truck, service truck and a forklift will be stored outdoors on the property, there will be no auto storage or impound lot and all engine machining will occur in the garage. This will enable the business to operate without detrimental impacts to adjoining and surrounding properties. This location is intended to be temporary until the business gets established and it becomes feasible to move to a commercial or industrial site.

2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.

The Duchesne County General Plan states that future growth and development decisions should be made with sensitivity to rural residential and agricultural interests.

In light of these plan policies, the Conditional Use request should be approved, if conditions of approval are imposed to protect rural residential and agricultural interests in the area.

If the applicant meets the Conditional Use permit criteria and complies with the conditions of approval, the purposes of the Zoning Ordinance will be met.

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

Mr. Hyde stated the subject property is 1.82 acres in size, which is of sufficient size to locate the proposed business along with the existing home. While a tow truck, service truck and a forklift will be stored outdoors on the property, there will be no auto storage or impound lot and all engine machining will occur in the garage. This will enable the business to operate without detrimental impacts to adjoining and surrounding properties. This location is intended to be temporary until the business gets established and it becomes feasible to move to a commercial or industrial site.

The additional conditional use permit criteria include:

A. Landscaping, Design: That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.

Mr. Hyde indicated there is existing fencing on the west property that will screen the business vehicle storage area from that direction. There are existing (grandfathered) junk yards immediately to the south and to the northeast of this property. The garage and proposed business vehicle storage area is set back about 300 feet from the center of the North Crescent Road, which will mitigate the impact on the area. There is an industrial presence in the area with the XTO Energy facility located at the SE corner of 1000 North and North Crescent Road and oilfield activity on the Altamont Energy LLC property to the south.

B. Parking: Provisions of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to

specified standards.

There will be very little public traffic to and from the home associated with the engine machining. There is sufficient space in front of the garage for customer parking and sufficient space southwest of the garage for business vehicle parking. The existing gravel driveway from the home to the North Crescent Road is adequate for safe public access.

C. Streets, Water, Sewer, Fire Protection: The provision of required street and highway dedication and improvements, and adequate water supply, sewage disposal and fire protection.

The North Crescent Road is a paved Minor Collector road that is adequate to handle any additional traffic generated by this business. The home is connected to the Roosevelt water system and has an approved onsite wastewater disposal system. These are sufficient to handle the demands of the home and business. There is an existing fire hydrant located at the XTO Energy facility. The Fire Chief has reviewed this proposal and determined that no additional fire hydrant installation is necessary.

D. Signs: Regulation of signs.

The applicant's business license application indicates that there are no sign plans. This location is intended to be temporary until the business gets established and it becomes feasible to move to a commercial or industrial site. If a sign were to be installed in the future, it should be limited in scale to help retain residential character of the area. An on-premise, non-illuminated sign, not to exceed 16 square feet in size, would be allowable.

E. Nuisances: The mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.

Due to the proximity of the business to dwelling units, reasonable conditions should be imposed to prevent noise impacts.

The county nuisance ordinance sets forth the following noise standards:

G. Noise Disturbances:

1. The following acts are declared to be violations of this subsection, but such enumerations shall not be deemed to be exclusive:

a. Parking a motor vehicle with the motor or auxiliary equipment in operation on a public right of way or on private property between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M., if the noise so produced is plainly audible within a dwelling unit. This subsection shall not apply to: county or publicly owned vehicles or equipment; commercial construction equipment; the normal operation of commercial or private vehicles designed and used for transportation of passengers; or to other commercial or private vehicles being loaded or unloaded, including sanitation and waste disposal vehicles.

b. The use of any mechanical device, operated by compressed air, steam, gasoline or

otherwise, unless the noise created is in connection with work being done by authorized agencies or an agricultural activity and/or is effectively muffled between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M.

Based on the standards above, the applicant will need to ensure that no nuisance noise is generated earlier than 7:00 AM or later than 9:30 PM. Since engine machining will occur within an enclosed garage between 8:00 AM and 5:00 PM and no towed vehicles will be transported to this site, noise impacts are not anticipated.

Dust is not anticipated to be an issue as no ground disturbing excavation is planned.

F. Operating Hours: The regulation of operating hours for activities affecting normal schedules and functions.

The applicant has indicated engine machining would occur between the hours of 8:00 AM to 5:00 PM. Towing activities could occur at any time of the day; however, no towed vehicles will be transported to this location. Activity at the site that could cause noise will need to be kept within the hours allowed by the nuisance ordinance (7 AM to 9:30 PM).

Mr. Hyde's recommendation is the Planning Commission approve the Conditional Use Permit requested by Kirk Barney, subject to the following conditions:

1. The owner shall not bring towed vehicles to this site for impounding or storage.
2. The owner shall avoid creating noise that would be a nuisance to others in the vicinity earlier than 7 AM or later than 9:30 PM.
3. If a sign is needed in the future, it shall be located on the premises, be non-illuminated and shall not exceed 16 square feet in size.
4. The owner shall obtain a county business license.
5. The owner is encouraged to follow his plan to relocate the business to a commercial or industrial location once established and financially feasible.

Mr. Hyde asked if there were any questions of the staff report.

Commissioner Wells commented that there is already an industrial presence with XTO, Halliburton and Finley established in the area.

Commissioner Drake asked if a 32 square foot sign was a standard size. Mr. Hyde commented that it has been used in some cases but a smaller size is being recommended in this case. There is no specific requirement in the zoning ordinance.

Chairman Sorensen asked if there were any other questions or comments. There were none so the applicant was invited to speak.

Mr. Kurt Barney, applicant, stated this permit will initially be for the business startup and hopefully in the future he will be able to move to a commercial or industrial area as the business grows. Mr. Barney thanked Mr. Hyde for his help and asked if any of the commissioners had any questions.

Commissioner Wells asked if he was in agreement with the conditions for approval. Mr. Barney stated he was.

Commissioner Drake asked if he was going to be mobile for the most part. Mr. Barney indicated he would go from location to location for the time being.

Chairman Sorensen asked if there were any other questions. There were none. So he invited anyone in the audience in favor to speak. There were none. So anyone in opposition was invited to speak.

LaMar Long, an adjoining property owner, indicated his concerns of storing broken, inoperable vehicles. Mr. Long indicated there is already a problem with Mr. Fauscett in the area, but if he isn't storing any vehicles he doesn't have any problems with the applicant's request.

With no other speakers, Chairman Sorensen closed the public hearing.

Commissioner Wells motioned to approve the Conditional Use Permit requested by Kirk Barney, subject to the conditions stated in the staff report. Commissioner Drake seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of January 6, 2021 minutes:

Commissioner Sweat moved to approve the minutes of January 6, 2021. Commissioner Giles seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde stated there was nothing for the June meeting yet and stated the County Trails Committee would hold their first meeting on May 11, 2021

Adjournment:

Meeting adjourned at 5:30 p.m.